UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/675,274	09/29/2000	Christopher Richard Uhlik	015685.P052	1012

45222 7590 09/09/2005

ARRAYCOMM/BLAKELY
12400 WILSHIRE BLVD
SEVENTH FLOOR
LOS ANGELES, CA 90025-1030

EXAMINER	
TSEGAYE, SABA	

ART UNIT	PAPER NUMBER
2662	

DATE MAILED: 09/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/675,274	UHLIK, CHRISTOPHER RICHARD	
	Examiner	Art Unit	
	Saba Tsegaye	2662	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *06 June 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-61* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *43-47* is/are allowed.

6)☒ Claim(s) *1-42 and 48-61* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. This Office Action is in response to the amendment filed 06/06/05. Claims 1-61 are pending. Claims 43-47 are allowed. Claims 1-42 and 48-61 are rejected.

Claim Rejections - 35 USC § 112

2. Claims 1, 19, 30 and 36 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The specification fail to adequately describe determining **at the first base station** whether the received message is directed to **the first base station or not directed to the first base station**.

Claim Rejections - 35 USC § 102

3. Claims 1-3, 10-12, 30, 31, 36, 37, 48-50 and 53-55 are rejected under 35 U.S.C. 102(e) as being anticipated by Persson et al. (US 6,647,000).

Regarding claims 1, 10, 30 and 36, Persson discloses a method that transmits a first broadcast message in a broadcast channel at a first specific time within a first assigned slot of a predetermined frame from a first base station of a radio communications system, the first broadcast message including a broadcast information sequence; and transmitting a second broadcast message in the broadcast channel at a second specific time within a second assigned slot of the predetermined frame from a second base station of the radio communications system,

the second broadcast message including a broadcast information sequence (column 13, line 60-column 14, line 13). Further, Persson discloses receiving a message from a user terminal having a timing relationship with the predetermined frame (column 16, lines 10-21); and determining the base station to which the message is directed based on the timing relationship (the synchronization burst is detected by mobile stations to acquire frame synchronization and for base station identification purposes. (This means that the mobile station can direct its message to a specific base station based on base station identification.) column 11, lines 19-27).

Regarding claims 2, 11, 31 and 37, Persson discloses the method further comprising transmitting broadcast messages in the broadcast channel at further specific times within further assigned slots of a predetermined frame from further base stations of the radio communications system, the further broadcast messages including a broadcast information sequence (column 5, lines 66-column 6, lines 2; column 7, lines 5-10).

Regarding claims 3 and 12, Persson discloses the method wherein the predetermined frame is a repeating frame (column 8, lines 21-41).

Regarding claim 48, Persson discloses a method for accessing a wireless network, comprising:

receiving a plurality of timing sequences on a broadcast channel, each timing sequence being received from a different one of a plurality of base stations (column 8, line 64-column 9, line 12);

determining network timing using the received timing sequences (column 11, lines 8-27);

selecting one from among the plurality of base stations using the received timing sequences (column 5, lines 66-column 6, lines 2; column 11, lines 8-27);

transmitting a message to the selected base station, the message having a relationship indicates the selected one from among the plurality of base stations to which the message is transmitted (... synchronization burst is detected by mobile stations to acquire frame synchronization and for base station identification purposes (by identifying a specific base station, the mobile station transmits a message to the identified base station; column 11, lines 8-27; column 16, lines 10-21).

Regarding claim 49, Persson discloses the method wherein the timing sequences are received with at least one frequency and wherein the method further comprises using the received timing sequences to determine a base station selection message frequency based on the frequency of the received timing sequences (column 8, line 64-column 9, line 12).

Regarding claim 50, Persson discloses the method wherein the message is transmitted omnidirectionally (column 5, lines 54-62).

Regarding claims 53-55, Persson discloses the method further comprising receiving base station identifiers on the broadcast channel, the base station identifiers each being associated with a respective timing sequence and using the base station identifiers to distinguish broadcasts

from different base stations on the broadcast channel (column 11, lines 8-18; column 7, lines 5-10).

Claim Rejections - 35 USC § 103

4. Claims 19, 20, 25, 26, 56, 57 and 59-61 are rejected under 35 U.S.C. 103(a) as being unpatentable over Persson et al.

Regarding claims 19, 25 and 56, Persson discloses all the claim limitations as stated above, except for a machine-readable medium.

Those skilled in the art will appreciate that the physical storage of the sets of instructions physically changes the medium upon which it is stored so that the medium caries machine-readable information.

Therefore, the system of Persson could be modified to use a machine-readable storage medium. At the time the invention was made, it would have been obvious to one ordinary skill in the art to add a machine-readable storage medium into the system of Persson.

One of ordinary skill in the art would have been motivated to do this because programs can be changed and upgraded and new futures are added easily than hardware changes.

Regarding claims 20, 26 and 57, Persson discloses the instruction causing the machine to perform further operations comprising transmitting broadcast messages in the broadcast channel at further specific times within further assigned slots of a predetermined frame from further base stations of the radio communications system, the further broadcast messages including a broadcast information sequence (column 5, lines 66-column 6, lines 2; column 7, lines 5-10).

Regarding claims 59-61, Persson discloses the instruction causing the machine to perform further comprising receiving base station identifiers on the broadcast channel, the base station identifiers each being associated with a respective timing sequence and using the base station identifiers to distinguish broadcasts from different base stations on the broadcast channel (column 11, lines 8-18; column 7, lines 5-10).

5. Claims 4, 5, 13, 14, 21, 32, 38, 51, 52, and 58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Persson et al. (US 6,647,000) in view of Dunn et al. (US 6,591,103).

Persson discloses all the claim limitations as stated above; except for the specific transmission times are determined based on a common timing reference (a satellite clock transmission) received by each base station.

Dunn teaches that using a shared command channel participating networks (from their local base stations) may broadcast their location, frequency availability and bandwidth price. User devices which wish to make connections and which know their location either through GPS or manual entry, or through other means, can determine which base stations are sufficiently close to make a carrier selection and a protocol selections based from the common channel information. Those skilled in the art will appreciate that radio communication systems have unsynchronized base stations, i.e., base stations that do not share a common timing reference signal.

It would have been obvious to one ordinary skill in the art at the time the invention was made to use the teachings from Dunn of a common timing reference in the system of Persson.

One of ordinary skill in the art would have been motivated to do this because using a common timing reference allows the base stations to synchronize.

6. Claims 6, 7, 15, 16, 22, 27, 33, 39 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Persson et al. in view of Almgren et al. (US 6,212,384).

Persson discloses all the claim limitations as stated above, except for the broadcast information sequence includes a code (color code) to identify the base station.

Almgren teaches that a base station color code (BCC) identifies a particular base station to distinguish between respective BTSs using the same BCCH frequencies (column 7, line 61-column 8, line 10).

It would have been obvious to one ordinary skill in that art at the time the invention was made to use the teachings from Almgren of adding BCC to the frame in the timeslot disclosed by Persson.

One of ordinary skill in the art would have been motivated to do this because adding BCC allows the user to accurately identify candidate base stations for which it is making received signal strength measurements.

Allowable Subject Matter

7. Claims 43-47 are allowed.

Response to Arguments

8. Applicant's arguments with respect to claims 1-61 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Saba Tsegaye whose telephone number is (571) 272-3091. The examiner can normally be reached on Monday-Friday (7:30-5:00), First Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou can be reached on (571) 272-3088. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ST
September 2, 2005

JOHN PEZZLO
PRIMARY EXAMINER